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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MARIBEL VASQUEZ and JOSEPH RIOS,	)	Case No. 1:23-cv-01652-JLT-SKO
	)	
Plaintiffs,	)	<b>ORDER GRANTING UNITED</b>
	)	<b>STATES' MOTION TO</b>
v.	)	<b>SUBSTITUTE, DISMISS UNDER</b>
	)	<b>FEDERAL RULES OF CIVIL</b>
KAWEAH HEALTH MEDICAL CENTER;	)	<b>PROCEDURE 12(b)(6), AND</b>
EVA HIRWE, M.D.; SHAMIKA BANKS,	)	<b>REMAND</b>
M.D.; and DOES 1 to 250, inclusive,	)	
	)	DATE: January 12, 2024
Defendants.	)	TIME: 9:00 A.M.
	)	COURT: Ctr 4, 7th Floor
	)	Hon. Jennifer L. Thurston

The United States having filed a Notice of Motion and Motion to Substitute, Dismiss Under Federal Rules of Civil Procedure 12(b)(6), and Remand, Dkt. 9, and Plaintiff having filed a non-opposition, Dkt. 11-13, and for good cause shown, IT IS ORDERED:

1. The United States' motion to substitute itself in place of Dr. Hirwe is granted;
2. The United States' motion to dismiss the claims against Dr. Hirwe and the United States pursuant to Rule 12(b)(6) are granted and all claims against Dr. Hirwe and the United States are dismissed without prejudice; and

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1           3.       The United States' request for remand of the remaining claims against the non-Federal  
2 defendants, with the approval of the Plaintiff, is hereby granted and the case against the non-Federal  
3 defendants is remanded to Tulare County Superior Court.

4  
5 IT IS SO ORDERED.

6       Dated: **January 17, 2024**

  
UNITED STATES DISTRICT JUDGE